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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,608	12/05/2003	Tatsuo Kasuga	12844.0055US01	2878
23552	7590	01/21/2005	EXAMINER	
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			GORDON, STEPHEN T	
			ART UNIT	PAPER NUMBER
			3612	

DATE MAILED: 01/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/729,608

Applicant(s)

KASUGA, TATSUO

Examiner

Stephen Gordon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) 3 and 4 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4-22-04 & 12-5-03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. Claims 3-4 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention. Election was made **without** traverse in the reply filed on 11-22-04.
2. The abstract of the disclosure is objected to because the term "ABSTRACT" in the abstract title is misspelled. On line 3, a space should be inserted between "A" and "plurality". Also on line 3, the three periods after "53" should be deleted. Correction is required. See MPEP § 608.01(b).
3. The drawings are objected to because label "t12" on figure 2B should be --b12--. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be

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notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The disclosure is objected to because of the following informalities: on page 9 – line 1 is awkward, and –as—should apparently be inserted before “a” of the line to correct this defect. On page 15 – line 11, the space should be deleted from “b 1”. Finally, on page 20 – line 23, “half” is misspelled.

Appropriate correction is required.

5. Claims 1 and 2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claim 1, “such as side frames” in line 2 is indefinite and should be deleted. It is additionally noted that “member” in line 6 should be plural.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 1, as best understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over Kosak in view of Sano et al ‘094.

Kosak teaches a vehicle frame body (fig 1) including cast hollow longitudinally extending side frame members 11,12.

Re claim 1, Kosak teaches that the frame members are hollow but fails to teach the use of longitudinally partitioning ribs.

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Sano et al teaches a vehicle frame body including hollow longitudinally extending side frame members (13+) which include laterally extending stiffening ribs 22 (e.g. see figure 10) at regular intervals as broadly claimed. The ribs serve to partition the frame members longitudinally. In order to provide for a stiffer and/or stronger frame structure, it would have been obvious to one of ordinary skill in the art to include lateral ribs spaced longitudinally at regular intervals in the hollow side frame members of Kosak in view of the teachings of Sano et al.

8. Claim 2, as best understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over Kosak in view of Sano et al '094 and further in view of Yamada et al '654.

Re claim 2, Kosak as modified by Sano et al discussed above regarding claim 1 teaches all of the claimed features except that the thickness of the frame portions where the ribs are provided is set larger than the thickness of other portions.

It is notoriously well known in the art to provide radiused fillets between members at inside corner type intersections to reduce stress concentrations. In an effort to provide a more concrete example of this concept, applicant should note section 4, lines 30-35 of Yamada et al. Yamada et al teaches using rounded fillets at a corner intersection to reduce stress concentration.

In order to reduce stress concentrations at the intersections between the ribs and the frame members of Kosak as modified by Sano et al and thereby alleviate a potential source of part failure, it would have been obvious to one of ordinary skill in the art to provide radiused fillets at these intersections in view of the teachings


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of Yamada et al. Such fillets would define a larger thickness of the frame member at portions where the ribs are provided as broadly recited in claim 2.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note at least Gottschalk teaches a hollow beam with internal stiffening ribs.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gordon whose telephone number is (703) 308-2556. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 1-15-05  
Stephen Gordon  
Primary Examiner  
Art Unit 3612

stg